

Five Easy Steps

1. Did the officer seize the defendant?
2. Did the officer have grounds for the seizure?
3. Did the officer act within the scope of the seizure?
4. Did the officer have grounds to arrest or search?
5. Did the officer act within the scope of the arrest or search?

Establishing the Stop

- Possible facts to bring out to establish that officer stopped defendant before detecting that he was impaired
 - Lights, siren
 - Commands by officer (verbal, nonverbal)
 - Positioning of officer's vehicle
 - Drawing of weapon
 - Number of officers
 - Sequence of events

Checkpoints

- Checkpoint must be valid
 - Appropriate guidelines, supervisory approval, legitimate stopping pattern (*Mitchell*)
 - Cannot be pretext for other purpose (*Edmond*)
- If checkpoint is invalid
 - Lawful avoidance may not constitute grounds to stop (*Yousif*)
- Even if checkpoint is valid
 - Lawful avoidance for legitimate purpose may not constitute grounds for stop (*Foreman*)

*Good
Dog*



*Baad
Dog*

